THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.31782 OF 1997

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DATED: 18-04-2006

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BETWEEN

D. Sharada,

W/o. Marka Reddy,

R/o. Porumamilla village,

Cuddapah District.

...PETITIONER

AND

The District Collector,

Cuddapah and others.

...RESPONDENTS

ORDER:

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Petitioner seek a Writ of Mandamus to declare the action of the respondents in demarcating the shops belonging to her in Sy.Nos.2/1, Porumamilla Village and Mandal, Cuddapah District as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioner is the owner and possessor of an extent of 3 cents of land in Sy.No.2/1 in Porumamilla Village and Mandal, Cuddapah District, which is her ancestral property and gifted vide Registered Sale Deed dated 02.11.1988. He further submits that in 1988 petitioner with the approval of Panchayat constructed shopping complex consisting of six shops. While so, the respondents have

taken up the programme of widening the roads of Cuddapah-Porumamilla road and the complex is subjected to demolition.

The grievance of the petitioner is that without issuing any notice and without following due process of law the respondents have made markings for demolition of the complex, which is utter violations of principles of natural justice

No doubt widening/laying of the road is in the public interest but while laying the road, if any property of the private individual is coming in the way, it is for the respondents to acquire the same either by way of initiating land acquisition proceedings or by way of private negotiations under the agreement.

Having regard to the facts and circumstances of the case,
the respondents are directed not to demolish the structures or take away any portion of the property of the petitioner and not to dispossess her without following due process of law. No costs.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

April 18, 2006

DSK